

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ED BUTOWSKY,**

**Plaintiff,**

**v.**

**DAVID FOLKENFLIK, ET AL.,**

**Defendants.**

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**CIVIL ACTION NO.**

**4:18-CV-00442-ALM**

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**DEFENDANTS' MOTION TO FILE RULE 11 MOTION UNDER SEAL**

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COME NOW, Defendants David Folkenflik, National Public Radio, Inc., Edith Chapin, Leslie Cook, and Pallavi Gogoi (collectively, "Defendants" or "NPR"), by their undersigned counsel, and respectfully request that the Court permit them to file their Motion for Sanctions Pursuant to Rule 11 for Violations Committed by Plaintiff and His Counsel pursuant to Fed. R. Civ. P. 37 and accompanying exhibits under seal. NPR's filing relies on and discloses documents and information that have been designated confidential pursuant to the Stipulated Protective Order entered in this case on August 8, 2019 (Dkt. 67).

Accordingly, NPR respectfully requests that this Court grant leave to seal Defendants' Motion for Sanctions Pursuant to Rule 11 for Violations Committed by Plaintiff and His Counsel and accompanying exhibits. Defendants will file a redacted version of the Motion for Sanctions Pursuant to Rule 11 for Violations Committed by Plaintiff and His Counsel publicly within two business days pursuant to this Court's local rule CV-5(a)(7)(E) regarding filing of documents under seal.

Respectfully submitted,

By: /s/ Laura Lee Prather

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*Attorneys for Defendants*

### **CERTIFICATE OF CONFERENCE**

The undersigned certifies that counsel for Defendants attempted in good faith to confer regarding the relief sought in the motion but has been unable to reach Plaintiff. On February 13, 2020, counsel for Defendants emailed Steven Biss, one of the attorneys for Plaintiff, to discuss whether Plaintiff opposed the instant motion or the relief sought. Defendants received no clear response as to their position. Defendants called Plaintiff's attorney on February 14, 2020 to discuss the instant motion but received no response.

/s/ Laura Lee Prather

Laura Lee Prather

**CERTIFICATE OF SERVICE**

The undersigned certifies that on February 18, 2020, a true and correct copy of the foregoing document was forwarded via e-filing to the following counsel of record:

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/s/ Laura Lee Prather

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